

Claims 1-7 and 10-20 remain in the application.

In item 1 on page 2 of the above-identified Office action, claims 1-7, 10, and 19 have been rejected as being obvious over *Chao et al.* (US 5,591,673) in view of *Son* (US 6,072,242) under 35 U.S.C. § 103.

In item 2 on page 4 of the Office action, claims 11-18 and 20 have been rejected as being obvious over *Chao et al.* in view of *Huang* (US 6,353,269) in view of *Son* (US 6,072,242) under 35 U.S.C. § 103.

Enclosed herewith is a copy of a *Declaration under 37 CFR 1.131* declaring that the invention of the above-identified application was "reduced to practice" prior to December 10, 1998, predating the prior art date of *Huang* and *Son*. It is therefore believed that *Huang* and *Son* are not available as prior art against the invention of the instant application and, consequently, the above-noted prior art rejections are believed to be moot.

Enclosed as corroborating evidence is the *Invention Declaration/Disclosure (Erfindungsmeldung)* dated May 12, 1998, together with an English translation of the relevant passages, evidencing that the invention of the instant application was "reduced to practice" prior to December 10, 1998.

In the event the Examiner should find any deficiencies in the *Declaration under 37 CFR 1.131* or in the *Invention Declaration/Disclosure (Erfindungsmeldung)*, the Examiner is respectfully requested to telephone Counsel, or otherwise to issue a supplemental Office action according to 37 CFR 1.135(c).

MPEP § 715.09(C) (1) (8th edition, 1st revision) states:

715.09 Seasonable Presentation

Affidavits or declarations under 37 CFR 1.131 must be timely presented in order to be admitted. Affidavits and declarations submitted under 37 CFR 1.131 and other evidence traversing rejections are considered timely if submitted:

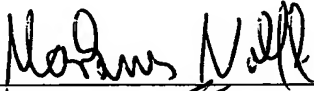
- (C) after final rejection and submitted
- (1) with a first reply after final rejection for the purpose of overcoming a new ground of rejection or requirement made in the final rejection,

Because the above-noted prior art rejections are new rejections and the instant response is a first reply after final rejection for the purpose of overcoming new ground(s) of rejection made in the final rejection, it is believed that the Declaration is timely presented and, therefore, must be considered.

In view of the foregoing, reconsideration and allowance of claims 1-7 and 10-20 are solicited.

Please charge any fees that might be due with respect to
Sections 1.16 and 1.17 to the Deposit Account of Lerner and
Greenberg, P.A., No. 12-1099.

Respectfully submitted,



Markus Nolfi (Reg. No. 37,006)

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